

**F I L E D**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

DEC 4 1998

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**UNITED STATES OF AMERICA,** )

**Plaintiff,** )

**v.** )

**DONALD HAYES,  
MARK JOHNSON and  
TONY HARRIS,** )

**Defendants.** )

~~**UNDER SEAL**~~

**98CR 174H**

**INDICTMENT**

**[21 U.S.C. § 846: Conspiracy;**

**21 U.S.C. §§ 841(a)(1) and**

**(b)(1)(A)(iii): Possession of a**

**Controlled Substance with Intent**

**to Distribute;**

**18 U.S.C. § 2: Aiding and**

**Abetting]**

**THE GRAND JURY CHARGES:**

**COUNT ONE**

**[21 U.S.C. § 846]**

Beginning on or about October 26, 1998, and continuing until the date of this Indictment, in the Northern District of Oklahoma, and elsewhere, the defendants DONALD HAYES, MARK JOHNSON, TONY HARRIS, and other persons, both known and unknown to the Grand Jury, did knowingly and intentionally conspire and confederate with each other to commit certain offenses against the United States to-wit: Possession of Cocaine base also known as "crack", a Schedule II Controlled Substance, with the intent to distribute and distribution of Cocaine base also known as "crack", a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(iii), and 846.

**COUNT TWO**

**[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]**

On or about October 27, 1998, in the Northern District of Oklahoma, the defendants DONALD HAYES, MARK JOHNSON and TONY HARRIS did knowingly and intentionally distribute cocaine base commonly known as "crack", a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(a)(A)(iii) and Title 18, United States Code, Section 2.

**COUNT THREE**

**[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]**

On or about November 6, 1998, in the Northern District of Oklahoma, the defendants DONALD HAYES and MARK JOHNSON did knowingly and intentionally distribute cocaine base commonly known as "crack", a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(iii) and Title 18, United States Code, Section 2.

**COUNT FOUR**

**[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]**

On or about November 18, 1998, in the Northern District of Oklahoma, the defendants DONALD HAYES and MARK JOHNSON did knowingly and intentionally distribute cocaine base commonly known as "crack", a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(iii) and Title 18, United States Code, Section 2.

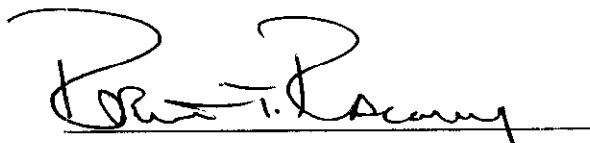
**COUNT FIVE**

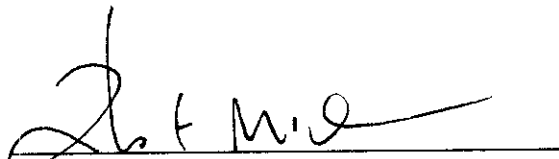
**[21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2]**

On or about November 24, 1998, in the Northern District of Oklahoma, the defendants DONALD HAYES and MARK JOHNSON did knowingly and intentionally distribute cocaine base commonly known as "crack", a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(iii) and Title 18, United States Code, Section 2.

**A TRUE BILL**

STEPHEN C. LEWIS  
United States Attorney

  
Assistant United States Attorney

  
Foreman

RTR:bjk